

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

112 435

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/506,727

INTERNATIONAL APPLICATION NO.

PCT/EP03/00411

INTERNATIONAL FILING DATE

16 January 2003

PRIORITY DATE CLAIMED

4 March 2002

TITLE OF INVENTION

STABILIZING cGMP IN AQUEOUS FORMULATION

APPLICANT(S) FOR DO/EO/US

Braun et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Adjustments to 204048/00056AHM04 document(s) or information included:

03/11/2005 MKAYPACH 00000121 021818 10506727

01 FC:1617 An Information Disclosure Statement under 37 CFR 1.97 and 1.98.

14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A power of attorney and/or change of address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
20. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).
22. ☒ Express Mail Label No. EV 351 264 092 US
23. ☒ Other items or information:

Return Receipt Postcard

U.S. APPLICATION NO (if known, see 37 CFR 1.5)
10/506,727

INTERNATIONAL APPLICATION NO.
PCT/EP03/00411

ATTORNEY'S DOCKET NUMBER
112701-435

24. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)) :

- ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1110.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$950.00
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$790.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$750.00
- ☐ International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	- 20 =	0	x \$18.00
Independent claims	- 3 =	0	x \$88.00

Multiple Dependent Claims (check if applicable). ☐

TOTAL OF ABOVE CALCULATIONS =

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

TOTAL FEES ENCLOSED =

CALCULATIONS PTO USE ONLY

\$0.00

\$130.00

\$0.00

\$0.00

\$0.00

\$130.00

\$0.00

\$130.00

\$0.00

\$130.00

\$0.00

\$130.00

Amount to be:

refunded

charged

- a. ☒ A check in the amount of \$130.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
- c. ☒ The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1818
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Robert M. Barrett (30,142)
BELL BOYD & LLOYD LLC
P.O. Box 1135
Chicago, Illinois 60690-1135

SIGNATURE

Robert M. Barrett

NAME

30,142

REGISTRATION NUMBER

October 18, 2004

DATE

The PTO did not receive the following listed item(s) no cheque

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
112701-435

In Re Application Of: **Braun et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/506,727	September 3, 2004	Unknown	29157	Unknown	5245

Title:
STABILIZING cGMP IN AQUEOUS FORMULATION

COMMISSIONER FOR PATENTS:

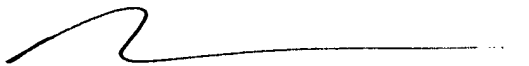
Transmitted herewith is:

**Prior Submission of Executed Declaration and Power of Attorney (2 pages);
Copy of Notification of Missing Requirements (2 pages);
Copy of Previously Submitted Declaration Documents Filed on October 18, 2004 (8 pages); and
Return Receipt Postcard**

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.


WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

**Robert M. Barrett (30,142)
Bell, Boyd & Lloyd LLC
P.O. Box 1135
Chicago, IL 60690-1135**

Dated: **March 2, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on March 2, 2005 (Date)	
	
Signature of Person Mailing Correspondence	
Heather Foster	
Typed or Printed Name of Person Mailing Correspondence	

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

rec'd PCT/PTO

07 MAR 2005

Applicants: Braun et al.
Intl. Appl. No.: PCT/EP03/00411
Intl. Appl. Filed: 16 January 2003
U.S. Appl. No.: 10/506,747
Title: STABILIZING cGMP IN AQUEOUS FORMULATION
Art Unit: Unknown
Examiner: Unknown
Docket No.: 112701-435

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY EXPRESS MAIL UNDER 37 CFR 1.10

Sir:

I hereby certify that the following documents relating to the above-identified application:

1. Transmittal Letter (2 pages) (duplicate);
2. Executed Declaration and Power of Attorney (2 pages);
3. Information Disclosure Statement (2 pages); PTO-1449 (1 page); Cited References (1 Document);
4. Check in the Amount of \$130.00; and
5. Return Receipt Postcard.

are being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope addressed to:

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


on October 18, 2004

Respectfully submitted,

BELL, BOYD & LLOYD LLC

Renee Street

Name of Person Mailing Correspondence


Signature

EV 351 264 092 US

Express Mail Mailing Label Number

EV351264092US



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/506,727	Marcel Braun	112701-435

INTERNATIONAL APPLICATION NO.

PCT/EP03/00411

I.A. FILING DATE	PRIORITY DATE
01/16/2003	03/04/2002

29157
 BELL, BOYD & LLOYD LLC
 P. O. BOX 1135
 CHICAGO, IL 60690-1135

CONFIRMATION NO. 5245

371 FORMALITIES LETTER



OC000000015243948

Date Mailed: 02/23/2005

DUE: 4-23-05

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/03/2004
- Copy of the International Search Report filed on 09/03/2004
- Copy of IPE Report filed on 09/03/2004
- Preliminary Amendments filed on 09/03/2004
- Oath or Declaration filed on 09/03/2004
- U.S. Basic National Fees filed on 09/03/2004
- Substitute Specification filed on 09/03/2004
- Priority Documents filed on 09/03/2004

RECEIVED
 BELL, BOYD & LLOYD
 INTELLECTUAL PROPERTY DOCKET

FEB 28 2005

ATTY

DOCKET #

RMB-
 112701-435

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- **\$130** Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

Telephone: (703) 308-9140 EXT 208

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/506,727	PCT/EP03/00411	112701-435